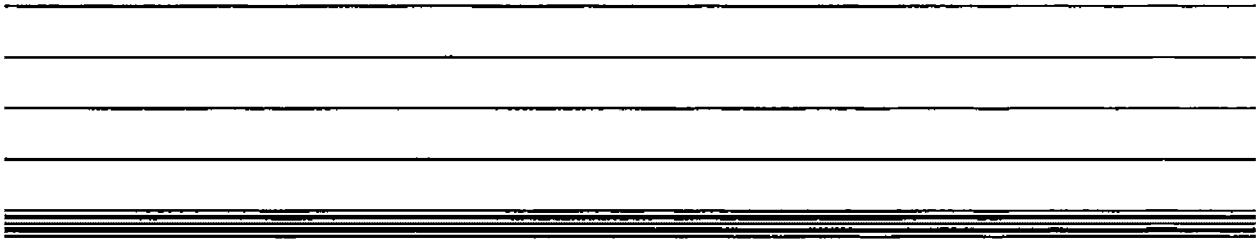


Oversight Division

Committee On Legislative Research

PROGRAM EVALUATION

Review of the
Missouri Department of Conservation
Enforcement Policies and Real Estate
Transactions



Program Evaluation

Review of the Missouri Department Conservation Enforcement Policies and Real Estate Transactions

*Prepared for the Committee on Legislative Research
by the Oversight Division*

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Committee on Legislative Research Oversight Subcommittee

THE COMMITTEE ON LEGISLATIVE RESEARCH, Oversight Division, is an agency of the Missouri General Assembly as established in Chapter 23 of the Revised Statutes of Missouri. The programs and activities of the State of Missouri cost approximately \$21.6 billion annually. Each year the General Assembly enacts laws which add to, delete or change these programs. To meet the demands for more responsive and cost effective state government, legislators need to receive information regarding the status of the programs which they have created and the expenditure of funds which they have authorized. The work of the Oversight Division provides the General Assembly with a means to evaluate state agencies and state programs.

THE COMMITTEE ON LEGISLATIVE RESEARCH is a permanent joint committee of the Missouri General Assembly comprised of the chairman of the Senate Appropriations Committee and nine other members of the Senate and the chairman of the House Budget Committee and nine other members of the House of Representatives. The Senate members are appointed by the President Pro Tem of the Senate and the House members are appointed by the Speaker of the House of Representatives. No more than six members from the House and six members from the Senate may be of the same political party.

PROJECTS ARE ASSIGNED to the Oversight Division pursuant to a duly adopted concurrent resolution of the General Assembly or pursuant to a resolution adopted by the Committee on Legislative Research. Legislators or committees may make their requests for program or management evaluations through the Chairman of the Committee on Legislative Research or any other member of the Committee.

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Members of the General Assembly:

The Joint Committee on Legislative Research adopted a resolution in June 2008, directing the Oversight Division to perform a program evaluation of the Missouri Department of Conservation Enforcement Policies and Real Estate Transactions to determine and evaluate program performance in accordance with program objectives, responsibilities, and duties as set forth by statute or regulation.

The report includes Oversight's comments on internal controls, compliance with legal requirements, management practices, program performance and related areas. We hope this information is helpful and can be used in a constructive manner for the betterment of the state program to which it relates. You may request a copy of the report from the Oversight Division by calling 751-4143.

Respectfully,

A handwritten signature in black ink that reads "Gary Nodler".

Senator Gary Nodler
Acting Chairman

EXECUTIVE SUMMARY

The Missouri Department of Conservation's (MDC) Protection Division is responsible for enforcing all statutory enactments related to fish, wildlife, and forestry, as well as the rules and regulations promulgated by the Conservation Commission.

The Realty Services Unit within the General Counsel's Office is responsible for handling all aspects of MDC real estate matters including, but not limited to, acquisitions (including lands acquired by donations), disposals, land trades, easements, boundary issues, and leases. From FY 2004 through FY 2008, MDC's Realty Services Unit acquired approximately 12,600 acres of land; of those, approximately 2,000 acres were acquired by donation.

The MDC's principal sources of revenue are the one-eighth of one percent conservation sales tax and receipts from the sale of hunting and fishing permits. The MDC also receives federal funds and grants from federal aid provisions of the Wildlife Restoration, Sport Fish Restoration, and Cooperative Forestry Assistance Acts. In addition, MDC receives monies from sales and rentals, interest, and numerous other sources.

Oversight's program evaluation revealed the Protection Division's log of citations which is maintained at the regional offices does not contain the date of issue, as required by the Division's policies and procedures. In addition, no reason was indicated on voided citations.

The MDC does not maintain a record of voided citations. The only record of voided citations is the copy of the citation maintained at the regional offices. The MDC cannot account for all 25 citations in a citation book on the Protection Division's arrest database.

MDC may not pursue permit suspension and/or revocation if the information regarding the citations was not entered into and accepted into the Protection Division's arrest database in a timely manner. Internal Audit and Protection Division personnel may decide not to proceed with the suspension and/or revocation recommendation process due to the amount of time that has transpired since the trial date.

Chapter 1

Purpose/Objectives

The General Assembly has provided by law that the Committee on Legislative Research may have access to and obtain information concerning the needs, organization, functioning, efficiency and financial status of any department of state government or of any institution that is supported in whole or in part by revenues of the state of Missouri. The General Assembly has further provided by law for the organization of an Oversight Division of the Committee on Legislative Research and, upon adoption of a resolution by the General Assembly or by the Committee on Legislative Research, for the Oversight Division to make investigations into legislative and governmental institutions of this state to aid the General Assembly.

The Joint Committee on Legislative Research directed the Oversight Division to conduct a program evaluation of the Missouri Department of Conservation enforcement policies and real estate transactions. The purpose of the evaluation was to determine the effectiveness of the Protection Division's policies and procedures in enforcing state statutes, rules, and regulations, as well as evaluating the Real Estate Unit's policies and procedures regarding land acquisitions.

Oversight's review addressed, but was not limited, the following:

- The status of enforcement actions taken during the evaluation period.
- The amount of land the Department acquired during the evaluation period.

Scope

The scope of the evaluation concentrated on the period of July 1, 2003 through June 30, 2008, State Fiscal Years 2004 through 2008.

Methodology

The methodology used by the Oversight Division included reviewing the Constitution of the State of Missouri, statutes, rules and regulations, organizational charts, analyzing budget and actual expenditure information, as well as conducting field office visits and interviewing Missouri Department of Conservation personnel.

Background

The Missouri Department of Conservation (MDC or Department) was created in 1937 to manage the state's fish, wildlife, and forest resources. The Department is headed by the four-member Conservation Commission.

The MDC's mission and goals are: "... to protect and manage the fish, forest and wildlife resources of the state; to serve the public and facilitate participation in resource management activities; and to provide opportunity for all citizens to use, enjoy and learn about fish, forest and wildlife resources."

The Department is composed of several Divisions: Fisheries, Wildlife, Forestry, Protection, Private Land Services, Outreach and Education, Resource Science, Administrative Services, Design and Development, Administration, and Human Resources. General Counsel and Internal Audit are included in Administration. The focus of this program evaluation is on the Protection Division and the Realty Services Unit within the General Counsel's Office.

The Protection Division (Division) is responsible for enforcing all statutory enactments related to fish, wildlife and forestry, and rules and regulations promulgated by the Conservation Commission. The Division's Conservation Agents are assigned to each county in the state and are certified as peace officers to enforce all state laws on lands owned, managed, or leased by the Department. Agents are authorized to enforce the Wildlife Code on privately owned land. Many agents are also commissioned by the US Department of the Interior to enforce federal conservation laws. As of July 2008, there were 187 uniformed MDC employees, including the Division Chief, supervisors, and agents.

The Realty Services Unit within the General Counsel's Office is responsible for handling all aspects of MDC real estate matters including, but not limited to, acquisitions (including lands acquired by donations), disposals, land trades, easements, boundary issues, and leases. The Realty Services Unit serves as a point of contact for landowners desiring to sell or donate their land to the MDC. The Realty Services Unit also provides technical and administrative support to the MDC's Realty Committee and works with the resource divisions in developing formal Commission recommendations relating to real estate matters.

Chapter 2

Comments

Missouri Department of Conservation Receipts

The MDC's principal sources of revenue are the one-eighth of one percent conservation sales tax and receipts from the sale of hunting and fishing permits. The MDC also receives federal funds and grants from federal aid provisions of the Wildlife Restoration, Sport Fish Restoration, and Cooperative Forestry Assistance Acts. In addition, MDC receives monies from sales and rentals, interest, and numerous other sources. The following chart summarizes the MDC's receipts from FY 2004 through FY 2008:

Missouri Department of Conservation Receipts					
Source	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Conservation Sales Tax	\$93,488,139	\$96,524,659	\$99,069,219	\$103,332,575	\$102,940,809
Permit Sales	\$30,592,206	\$30,682,443	\$29,723,302	\$30,953,155	\$30,797,567
Federal Reimbursement	\$15,401,295	\$19,198,694	\$24,387,069	\$23,210,639	\$18,563,048
Sales and Rental	\$7,579,995	\$7,257,446	\$6,692,101	\$8,947,515	\$7,998,158
Other Sources	\$3,542,080	\$2,687,792	\$3,570,635	\$3,965,239	\$9,897,979
Interest	\$589,553	\$768,589	\$1,265,130	\$1,267,398	\$1,755,844
Total Receipts	\$151,193,268	\$157,119,623	\$164,707,456	\$171,676,521	\$171,953,405

Pursuant to Article IV, Section 43 (a) of the Constitution of the State of Missouri, the Conservation Commission, Department of Conservation, receives the proceeds of one-eighth of one percent sales tax from the sale of tangible personal property or rendering taxable services in the State of Missouri and the proceeds of one-eighth of one percent use tax from the use or consumption of any article of tangible personal property in the State of Missouri. These additional moneys are to be used by the Conservation Commission, Department of Conservation, for the control, management, restoration, conservation, and regulation of the bird, fish, game, forestry, and wildlife resources of the state, including the purchase or other acquisition of property for said purposes, and for the administration of the laws pertaining thereto.

Article IV, Section 43(b) of the Constitution of the State of Missouri provides the moneys arising from the additional sales and use taxes and all fees, moneys, or funds arising from the operation and transactions of the Conservation Commission, Department of Conservation, and from the application and the administration of the laws and regulations pertaining to the bird, fish, game, forestry, and wildlife resources of the state and from the sale of property used for said purposes, shall be expended and used by the Conservation Commission, Department of Conservation, for the control, management, restoration, conservation, and regulation of the bird, fish, game, forestry, and wildlife resources of the state, including the purchase or other acquisition of property for said purposes, and the administration of the laws pertaining thereto, and for no other purpose. The moneys and funds of the Conservation Commission arising from the additional sales and use taxes shall also be used by the Conservation Commission, Department of Conservation to make payments to counties for the unimproved value of land for distribution to the appropriate political subdivisions as payment in lieu of real property taxes for privately owned land acquired by the commission after July 1, 1977 and for land classified as forest cropland in the forest cropland program administered by the Department of Conservation in such amounts as may be determined by the Conservation Commission, but in no event shall the amount determined be less than the property tax being paid at the time of purchase of acquired land.

Comment # 1

The Missouri Department of Conservation (MDC) may be using revenues generated from sources other than the sales and use tax for the payment in lieu of real estate property taxes (PILT) made to counties for privately owned land acquired by the conservation commission after July 1, 1977 and for land classified as forest cropland in the forest cropland program administered by the MDC.

The MDC receives revenues from sales and use taxes, as well as fees, moneys or funds arising from the operation and transactions of the MDC. Since the constitution specifies that revenues generated from the sales and use taxes shall be used for PILT, it is assumed revenues from other sources cannot be used for such purpose. MDC deposits all revenues into the Conservation Fund. MDC provided no documentation that deposits were segregated by revenue source within the Conservation Fund. MDC does code federal funds to keep them segregated from other funds within the Conservation Fund.

MDC officials assured Oversight that revenues generated from the sales and use taxes far exceed the revenues generated from fees and sales of property. Officials stated MDC has so much revenue from sales tax that they feel confident moneys from fees and sales of property are not used for PILT. MDC provided no documentation that revenues generated from sources other than sales tax are not used for PILT.

Oversight recommends the Missouri Department of Conservation segregate revenues by source within the Conservation Fund. Such segregation would assure moneys are used for purposes specified pursuant to the Constitution of the State of Missouri.

Protection Division

Oversight obtained and reviewed MDC Protection Division's policies and procedures to determine whether MDC personnel are complying with these policies and procedures.

MDC Protection Division's policies and procedures state:

"Resource Citations (RC) and Uniform Citations (UC) are serial numbered tickets. Supervisors will maintain a record of serial numbers, date of issue, and the names of the conservation agents who received RC and UC books.

Agents are accountable for all citation books issued to them, including voided and mutilated citations. Citations (RC and UC) voided or filled out and not filed by the prosecuting attorney must have a brief written explanation on the back of the ticket. Missing citations or books need to be documented by memorandum to regional supervisors. Memorandums should include the date, circumstances, and serial numbers of all missing tickets.

Agents must return all used (completed) citation books to regional supervisors, including those voided or filled out and not filed by the prosecuting attorney. Completed books should include the officer's pink copy. Regional supervisors should date and initial off on each used book (including memorandums documenting missing tickets) when received. Used books and memorandums must be retained in regional files for three years."

Regional Office Visits

Oversight visited two of MDC's eight regional offices to determine whether MDC personnel are complying with these policies and procedures regarding citation book accountability and control, to determine the flow of citation information through the regional office, and to sample completed citation books.

Comment # 2

During the first regional office visit, Oversight determined the regional office supervisor maintained a handwritten log containing the citation serial numbers, dates of issue, and the names of the conservation agents who received RC and UC books. The information contained on this

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handwritten log is periodically transferred to a typewritten log. However, when the information is transferred to the typewritten log, only the citation numbers and the agent name is transferred to the typewritten log. The information regarding the date the citation book was assigned is not transferred to the typewritten log. Regional office personnel were not able to provide copies of the original handwritten log. Oversight's review also revealed the regional supervisor does not check and initial completed citation books when they are returned to the regional office.

The second regional office visited by Oversight maintained a log containing the citation numbers, the agent to whom the book is assigned, and the date assigned. When the completed book is returned to the regional office, the date returned is recorded on the log. The regional supervisor checks and initials completed books. If all citations within a book are not returned, the agent is contacted. Completed citation books are filed numerically by citation number.

Oversight recommends all information contained on the handwritten log be transferred to the typewritten log. This would provide MDC with complete data regarding the serial numbers, date assigned, and the name of the conservation agent who received the citation books, as required by the Division's policies and procedures.

Comment # 3

The first regional office visited by Oversight filed completed citation books by the agent to whom the book was assigned. Voided citations are filed with the rest of the citation book. The regional supervisor does not examine voided citations to ensure a reason is indicated, as required by the Division's policies and procedures.

During the first regional office visit, Oversight selected a random sample of twenty citation books from the log. Six of the citation books selected were still in the possession of the agent. Six of the citation books selected were incomplete and were missing citations. Four of the citation books selected contained voided citations. Two of the voided citations did not have explanation of the reason the citation was voided. Oversight noted no indication of the regional supervisor dating and initialing the used books when received. The missing citations were subsequently located. Some of the missing citations were filed loose in the agent's file and had to be sorted and grouped. Some were filed in another agent's file.

The second regional office visited files citation books by citation number. Voided citations are filed with the rest of the citation book. The regional supervisor does not examine voided citations to ensure a reason is indicated, as required by the Division's policies and procedures.

At the second regional office visited, Oversight selected a random sample of fifteen citation books from the log. One of the citation books selected was still in the agent's possession. Two of the citation books sampled contained a missing citation. One of the missing citations had a memo

in its place, as required by MDC Protection Division's policies and procedures. There were fifteen voided citations in Oversight's sample. There was no reason indicated on twelve of the voided citations.

Oversight recommends completed citations be filed in groups of twenty-five, corresponding to the twenty-five in the original citation book. Oversight recommends agents be required to account for all citations issued to them and return all citations from a completed citation book at one time to the supervisors. Oversight recommends agents comply with MDC policies and procedures by noting the reason a citation was voided on the citation. Regional supervisors should comply with MDC policies and procedures by accounting for all twenty five citations within a book, dating and initialing each used book when received, and ensuring a reason is indicated on all voided citations.

Comment # 4

Oversight requested MDC provide a list of voided citations. MDC personnel stated they could not provide a list of voided citations because MDC does not have a record of voided citations. Voided citations are not entered in MDC's arrest database. The only record of voided citations is the copy maintained at the regional offices. If searching for a valid MDC citation number in the MDC arrest database and no record appears, MDC cannot determine whether the citation was voided or if the record had not been entered into the database. MDC cannot account for all 25 citations in a citation book on the arrest database.

Oversight recommends the MDC account for all citations in the arrest database. Oversight recommends voided citations be accounted for by either adding a field for voided citations or by stating the citation was voided in the narrative or remarks section of the database. Oversight also recommends the agents enter the reason the citation was voided into the arrest database. This would give the MDC better control over citations and provide a way to ensure all citations are accounted for.

Protection Arrest Records

The agent is responsible for tracking citations in the arrest database. The agent updates the status in the computer database. MDC permit holder suspensions and/or revocations may be (and occasionally are) recommended by the courts as part of the sentence for a violation of the Wildlife Code. Suspensions and/or revocation recommendations can also be generated by MDC personnel as a result of the types and number of violations a permit holder obtains over a period of time.

Comment # 5

MDC's Protection Division Policies and Procedures state all arrest records must be completed as soon as possible following court action, but must be submitted no later than one month after the case is completed, and sent electronically to the district supervisor. District supervisors will review the records for accuracy and accept them into the arrest record program no later than 15 days after submission. Timely submissions are important for the Commission privilege revocation process. Untimely submissions may result in a reduction of the revocation period or a decision by the Department not to recommend suspension because of the time period that has elapsed.

MDC personnel stated there were instances where the citations were issued in 2004 and the supervisor did not accept the information into the arrest database until 2008. The MDC database reflects the supervisor acceptance date, not the date the citation was entered by the agent.

MDC may not pursue permit suspension and/or revocation recommendations if the information was not entered into and accepted into the arrest database in a timely manner. MDC's Internal Audit pulls information from the database every two to three weeks regarding permits that are up for consideration for suspension and/or revocation. If more than 90 days has passed from the trial date to the acceptance date, MDC's Internal Audit discusses the matter with Protection Division personnel. Internal Audit and Protection Division personnel usually decide not to proceed with the suspension and/or revocation recommendation process due to the amount of time that has transpired since the trial date.

Oversight requested information regarding the number of suspensions and/or revocations that were not recommended due to untimely entry of data into the database. MDC was not able to provide this information because Internal Audit does not keep a record of the information sent to the Protection Division. MDC personnel stated the acceptance of the citation into the database has no bearing on the adjudication of the violation as the arrest database is an internal record and the case has already been resolved and the fines paid.

Oversight recommends MDC maintain a record of permit holder names sent to the Protection Division for possible recommendation of suspension and/or revocation of permits. Oversight also recommends MDC maintain a record of those permit holders where permit suspension and/or revocation is not recommended due to a delay in the entry and acceptance of the information into MDC's database. This would enable MDC to better track the timeliness of submissions into the arrest database. It would also enable MDC Protection Division to operate more effectively and efficiently because the permits of more persons flagged for suspension and/or revocation would be suspended and/or revoked. Timely entry and acceptance into the arrest database would more accurately reflect the actual citations issued, as MDC database reflects the acceptance date, not the date the citation was entered.

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Oversight requested and reviewed the arrest summary data, by county, for fiscal years 2004 through 2008. Oversight received the arrest summary data by calendar year. The following summarizes the arrest data for each calendar year:

Calendar Year	Conviction Rate
2004	90.12%
2005	89.38%
2006	88.25%
2007	87.10%
2008	89.04%

The attached table contains the annual conviction rate for each county. (See Appendix A)

Realty Services Unit

From FY 2004 through FY 2008, MDC's Realty Services Unit acquired approximately 12,600 acres of land; of those, approximately 2,000 acres were acquired by donation. The following chart summarizes the completed real estate transactions for each fiscal year:

Missouri Department of Conservation Real Estate Transactions							
Fiscal Year	Purchased Acres	Donated Acquired Acres	Traded Acquired Acres	Sold Acres	Donated Disposed Acres	Traded Disposed Acres	Net Change Acres
2004	2,895.97	808.21	0.08	(115.52)	0	(0.08)	3,588.66
2005	2,384.45	64.00	0	(4.00)	0	0	2,444.45
2006	2,541.81	482.58	165.73	(163.75)	(3.77)	(168.46)	2,854.14
2007	1,134.35	440.35	0	(579.73)	(0.14)	0	994.83
2008	1,435.62	253.56	10.36	(119.73)	(780.69)	(10.00)	789.12
Total Acres	10,392.20	2,048.70	176.17	(982.73)	(784.60)	(178.54)	10,671.20

Oversight requested information regarding all real estate transactions from FY 2004 through FY 2008. MDC provided a list of all completed real estate transactions. Oversight was denied access to any information regarding real estate transactions that were not completed, as MDC considered this information to be a closed record that is not available to the public.

Comment # 6

Oversight reviewed the real estate files for five completed real estate purchases to determine whether MDC is complying with its real estate policies and procedures. Oversight reviewed MDC's Procedures for Consideration and Approval of Land Acquisition, dated September 2007. Although the reviewed real estate files appeared to be missing forms required by the MDC's procedures, all transactions except one were completed prior to the effective date of the procedures. The real estate transaction that was completed after the effective date of the procedures was completed in October 2007, one month after the effective date of the procedures. Oversight did not review the real estate procedures that were in place at the time the real estate was acquired.

Oversight recommends MDC consider creating a checklist to be kept at the beginning of each real estate file. The checklist should include each item that must be completed or checked as part of the real estate transaction process. A space to date and initial the item could be included to verify completion. The checklist could serve as an index to the file with forms and documents placed in the same manner in all files. These improvements would make files easier to review and would help prevent any omissions by MDC personnel.

Oversight did not have the opportunity to review real estate files where the MDC opted not to purchase the real estate. MDC considered these files to be closed records that were not open to the public. Therefore, Oversight cannot comment on the completeness of the files or whether MDC is complying with its procedures.

Comment # 7

MDC's Procedures for Consideration and Approval of Land Acquisition, dated September 2007, detail the steps required for land acquisition and for the rejection of a land offer. These procedures state:

“Before the Department can begin formal consideration of a piece of property, a Land Offer Information Form (LOIF) must be filled out and signed by the landowner (or their representative) and returned to Realty Services. An incomplete LOIF should be returned to the landowner for additional information.

Completed LOIF are sent to Realty Services, time and date stamped, and logged-

in. Realty Services forwards a copy of the LOIF to the appropriate RCT Chair for field review. If the LOIF is received directly by the RCT from the seller, the original shall be sent to Realty Services.”

Oversight requested a copy of the Real Estate Log to verify all LOIFs are logged in, as required by MDC procedures. MDC personnel stated an electronic log of land offers is maintained by their Realty Unit staff. A monthly status report is generated and presented to the Realty Committee. However, the Real Estate Log consists of only open transactions. Once a real estate transaction is completed, it is removed from the log. MDC does not maintain a record of transactions that have been removed from the log or the monthly status report presented to the Realty Committee. Therefore, Oversight was not able to ascertain whether all LOIFs are logged in, as required by MDC procedures.

Oversight recommends MDC maintain a copy of the Real Estate Logs and/or the monthly status reports presented to the Realty Committee. This would provide MDC with historical information regarding proposed real estate transactions.

Payments in Lieu of Taxes

As of December 31, 2004, MDC modified the method of remitting payments to counties for in lieu property tax fees. Eligible property valuations are classified into two categories, equivalent to the Agricultural Land Value of Grades 6 and 7. These valuations are multiplied by an average statewide tax rate of \$5.43 for purposes of an assessment formula. Counties are paid the higher of the PILT rate on the books at that time and the value of the new calculation. The Commission reviews the valuations every five years, with the next review to take place in December 2009. Pursuant to 12 CSR 30-4.010, Grade 6 is defined as soils not suited to continuous cultivation. Crop rotations contain increasing proportions of small grain, hay, or both. Upland soils have moderate to steep slopes and require conservation practices. Grade 7 is defined as soil generally unsuited for cultivation which may have other severe limitations for grazing and forestry that cannot be corrected.

APPENDIX A

Appendix A

Missouri Department of Conservation Annual Conviction Rates by County

	2004	Percentage	2005	Percentage	2006	Percentage	2007	Percentage	2008	Percentage
<u>Adair</u> Guilty Total	29 34	85.29%	15 17	88.24%	18 23	78.26%	33 39	84.62%	22 25	88.00%
<u>Andrew</u> Guilty Total	123 145	84.83%	62 69	89.86%	136 173	78.61%	80 103	77.67%	94 105	89.52%
<u>Atchison</u> Guilty Total	48 49	97.96%	55 56	98.21%	50 50	100.00%	34 68	50.00%	57 62	91.94%
<u>Audrain</u> Guilty Total	19 19	100.00%	11 11	100.00%	2 6	33.33%	9 10	90.00%	25 25	100.00%
<u>Barry</u> Guilty Total	193 212	91.04%	165 180	91.67%	194 211	91.94%	244 271	90.04%	227 257	88.33%
<u>Barton</u> Guilty Total	31 34	91.18%	15 15	100.00%	19 23	82.61%	24 29	82.76%	108 109	99.08%
<u>Bates</u> Guilty Total	2 2	100.00%	46 54	85.19%	32 43	74.42%	48 64	75.00%	40 41	97.56%
<u>Benton</u> Guilty Total	258 287	89.90%	175 185	94.59%	207 216	95.83%	335 346	96.82%	276 291	94.85%
<u>Bollinger</u> Guilty Total	45 45	100.00%	55 65	84.62%	33 37	89.19%	57 66	86.36%	39 39	100.00%
<u>Boone</u> Guilty Total	91 99	91.92%	108 109	99.08%	47 50	94.00%	53 59	89.83%	57 63	90.48%
<u>Buchanan</u> Guilty Total	121 137	88.32%	93 102	91.18%	124 135	91.85%	177 208	85.10%	92 108	85.19%
<u>Butler</u> Guilty Total	30 35	85.71%	84 91	92.31%	41 59	69.49%	57 69	82.61%	38 53	71.70%
<u>Caldwell</u> Guilty Total	32 35	91.43%	27 29	93.10%	16 19	84.21%	16 16	100.00%	25 28	89.29%

	2004	Percentage	2005	Percentage	2006	Percentage	2007	Percentage	2008	Percentage
<u>Callaway</u>										
Guilty	30	96.77%	50	87.72%	37	100.00%	64	94.12%	101	87.83%
Total	31		57		37		68		115	
<u>Camden</u>										
Guilty	165	97.06%	186	90.29%	146	97.99%	242	96.03%	251	92.28%
Total	170		206		149		252		272	
<u>Cape Girardeau</u>										
Guilty	49	100.00%	53	94.64%	27	96.43%	85	75.89%	64	85.33%
Total	49		56		28		112		75	
<u>Carroll</u>										
Guilty	41	89.13%	78	98.73%	45	88.24%	64	85.33%	40	85.11%
Total	46		79		51		75		47	
<u>Carter</u>										
Guilty	55	85.94%	90	89.11%	60	65.93%	47	60.26%	57	82.61%
Total	64		101		91		78		69	
<u>Cass</u>										
Guilty	59	96.72%	79	96.34%	86	96.63%	88	91.67%	100	91.74%
Total	61		82		89		96		109	
<u>Cedar</u>										
Guilty	32	100.00%	34	97.14%	105	96.33%	51	100.00%	62	93.94%
Total	32		35		109		51		66	
<u>Chariton</u>										
Guilty	50	96.15%	69	100.00%	92	96.84%	93	95.88%	43	100.00%
Total	52		69		95		97		43	
<u>Christian</u>										
Guilty	2	100.00%	50	48.08%	54	62.07%	47	55.29%	53	63.10%
Total	2		104		87		85		84	
<u>Clark</u>										
Guilty	14	100.00%	19	79.17%	8	100.00%	47	95.92%	44	100.00%
Total	14		24		8		49		44	
<u>Clay</u>										
Guilty	109	93.16%	84	88.42%	97	86.61%	117	91.41%	137	94.48%
Total	117		95		112		128		145	
<u>Clinton</u>										
Guilty	24	100.00%	21	95.45%	38	82.61%	26	92.86%	32	86.49%
Total	24		22		46		28		37	
<u>Cole</u>										
Guilty	19	95.00%	26	96.30%	24	80.00%	18	94.74%	24	75.00%
Total	20		27		30		19		32	
<u>Cooper</u>										
Guilty	73	97.33%	55	96.49%	48	96.00%	63	95.45%	55	93.22%
Total	75		57		50		66		59	
<u>Crawford</u>										
Guilty	75	78.13%	102	70.34%	101	75.37%	126	79.25%	88	79.28%
Total	96		145		134		159		111	

		2004	Percentage	2005	Percentage	2006	Percentage	2007	Percentage	2008	Percentage
<u>Dade</u>											
Guilty	Total	31	96.88%	40	90.91%	89	80.91%	53	80.30%	69	85.19%
		32		44		110		66		81	
<u>Dallas</u>											
Guilty	Total	127	69.40%	85	90.43%	99	78.57%	108	78.26%	163	86.24%
		183		94		126		138		189	
<u>Daviess</u>											
Guilty	Total	50	98.04%	45	91.84%	30	93.75%	34	89.47%	40	83.33%
		51		49		32		38		48	
<u>DeKalb</u>											
Guilty	Total	35	92.11%	67	95.71%	48	96.00%	44	83.02%	52	91.23%
		38		70		50		53		57	
<u>Dent</u>											
Guilty	Total	117	94.35%	88	89.80%	89	93.68%	102	86.44%	83	95.40%
		124		98		95		118		87	
<u>Douglas</u>											
Guilty	Total	23	65.71%	0		20	95.24%	25	73.53%	49	81.67%
		35		0		21		34		60	
<u>Dunklin</u>											
Guilty	Total	48	94.12%	165	93.75%	61	87.14%	61	80.26%	49	96.08%
		51		176		70		76		51	
<u>Franklin</u>											
Guilty	Total	58	96.67%	105	86.07%	88	93.62%	96	86.49%	79	92.94%
		60		122		94		111		85	
<u>Gasconade</u>											
Guilty	Total	53	96.36%	29	96.67%	39	92.86%	30	81.08%	14	58.33%
		55		30		42		37		24	
<u>Gentry</u>											
Guilty	Total	0		0		22	52.38%	5	100.00%	21	91.30%
		0		0		42		5		23	
<u>Greene</u>											
Guilty	Total	81	81.00%	161	90.45%	100	96.15%	206	74.10%	104	75.36%
		100		178		104		278		138	
<u>Grundy</u>											
Guilty	Total	23	82.14%	16	100.00%	29	96.67%	17	94.44%	25	96.15%
		28		16		30		18		26	
<u>Harrison</u>											
Guilty	Total	18	94.74%	36	81.82%	19	59.38%	24	75.00%	11	57.89%
		19		44		32		32		19	
<u>Henry</u>											
Guilty	Total	56	90.32%	69	90.79%	77	90.59%	120	93.02%	81	95.29%
		62		76		85		129		85	
<u>Hickory</u>											
Guilty	Total	80	96.39%	61	85.92%	96	97.96%	103	97.17%	116	89.92%
		83		71		98		106		129	

		2004	Percentage	2005	Percentage	2006	Percentage	2007	Percentage	2008	Percentage
<u>Holt</u>											
Guilty	Total	107	96.40%	132	91.03%	250	93.28%	128	88.28%	114	99.13%
		111		145		268		145		115	
<u>Howard</u>											
Guilty	Total	58	81.69%	57	85.07%	43	86.00%	27	90.00%	34	82.93%
		71		67		50		30		41	
<u>Howell</u>											
Guilty	Total	18	72.00%	45	91.84%	20	83.33%	44	91.67%	41	91.11%
		25		49		24		48		45	
<u>Iron</u>											
Guilty	Total	12	85.71%	36	81.82%	24	88.89%	46	93.88%	57	98.28%
		14		44		27		49		58	
<u>Jackson</u>											
Guilty	Total	86	90.53%	85	93.41%	120	93.02%	139	82.25%	161	86.10%
		95		91		129		169		187	
<u>Jasper</u>											
Guilty	Total	63	98.44%	27	100.00%	51	79.69%	73	86.90%	65	94.20%
		64		27		64		84		69	
<u>Jefferson</u>											
Guilty	Total	55	96.49%	98	88.29%	48	85.71%	89	89.90%	81	85.26%
		57		111		56		99		95	
<u>Johnson</u>											
Guilty	Total	33	71.74%	31	96.88%	69	92.00%	82	92.13%	72	86.75%
		46		32		75		89		83	
<u>Knox</u>											
Guilty	Total	24	96.00%	16	100.00%	15	93.75%	26	100.00%	36	94.74%
		25		16		16		26		38	
<u>Laclede</u>											
Guilty	Total	111	87.40%	71	78.89%	54	88.52%	79	86.81%	109	83.21%
		127		90		61		91		131	
<u>Lafayette</u>											
Guilty	Total	1	100.00%	46	95.83%	17	100.00%	49	98.00%	42	93.33%
		1		48		17		50		45	
<u>Lawrence</u>											
Guilty	Total	18	66.67%	22	100.00%	34	89.47%	33	82.50%	112	92.56%
		27		22		38		40		121	
<u>Lewis</u>											
Guilty	Total	17	100.00%	38	88.37%	24	96.00%	41	91.11%	71	95.95%
		17		43		25		45		74	
<u>Lincoln</u>											
Guilty	Total	76	80.85%	141	97.92%	100	98.04%	181	91.41%	158	94.61%
		94		144		102		198		167	
<u>Linn</u>											
Guilty	Total	82	95.35%	83	100.00%	87	96.67%	142	96.60%	65	83.33%
		86		83		90		147		78	

		2004	Percentage	2005	Percentage	2006	Percentage	2007	Percentage	2008	Percentage
<u>Livingston</u>											
Guilty	Total	17	89.47%	19	100.00%	8	100.00%	25	96.15%	42	91.30%
		19		19		8		26		46	
<u>Macon</u>											
Guilty	Total	88	97.78%	43	91.49%	80	96.39%	75	91.46%	85	97.70%
		90		47		83		82		87	
<u>Madison</u>											
Guilty	Total	45	97.83%	43	78.18%	14	53.85%	46	86.79%	29	90.63%
		46		55		26		53		32	
<u>Maries</u>											
Guilty	Total	11	47.83%	7	53.85%	7	77.78%	10	43.48%	4	50.00%
		23		13		9		23		8	
<u>Marion</u>											
Guilty	Total	39	100.00%	29	87.88%	15	93.75%	38	95.00%	23	79.31%
		39		33		16		40		29	
<u>McDonald</u>											
Guilty	Total	48	97.96%	54	100.00%	56	90.32%	170	93.92%	296	95.18%
		49		54		62		181		311	
<u>Mercer</u>											
Guilty	Total	10	100.00%	22	95.65%	12	100.00%	12	60.00%	11	78.57%
		10		23		12		20		14	
<u>Miller</u>											
Guilty	Total	152	96.20%	318	96.66%	229	93.09%	213	97.71%	189	96.43%
		158		329		246		218		196	
<u>Mississippi</u>											
Guilty	Total	0		76	88.37%	29	90.63%	47	87.04%	40	97.56%
		0		86		32		54		41	
<u>Moniteau</u>											
Guilty	Total	29	93.55%	10	100.00%	7	70.00%	29	100.00%	20	95.24%
		31		10		10		29		21	
<u>Monroe</u>											
Guilty	Total	57	89.06%	43	100.00%	35	100.00%	48	85.71%	44	100.00%
		64		43		35		56		44	
<u>Montgomery</u>											
Guilty	Total	11	100.00%	12	100.00%	30	100.00%	12	100.00%	16	94.12%
		11		12		30		12		17	
<u>Morgan</u>											
Guilty	Total	188	90.82%	118	91.47%	126	93.33%	250	98.43%	150	99.34%
		207		129		135		254		151	
<u>New Madrid</u>											
Guilty	Total	23	79.31%	64	87.67%	30	85.71%	41	95.35%	38	92.68%
		29		73		35		43		41	
<u>Newton</u>											
Guilty	Total	37	92.50%	26	96.30%	32	66.67%	32	76.19%	72	93.51%
		40		27		48		42		77	

	2004	Percentage	2005	Percentage	2006	Percentage	2007	Percentage	2008	Percentage
<u>Nodaway</u>										
Guilty	54	96.43%	86	92.47%	75	89.29%	75	79.79%	64	95.52%
Total	56		93		84		94		67	
<u>Oregon</u>										
Guilty	38	97.44%	38	80.85%	48	81.36%	48	88.89%	35	83.33%
Total	39		47		59		54		42	
<u>Osage</u>										
Guilty	21	87.50%	25	75.76%	29	82.86%	20	86.96%	25	100.00%
Total	24		33		35		23		25	
<u>Ozark</u>										
Guilty	84	85.71%	144	79.12%	101	88.60%	111	81.02%	121	87.68%
Total	98		182		114		137		138	
<u>Pemiscot</u>										
Guilty	43	97.73%	80	96.39%	40	100.00%	43	89.58%	48	76.19%
Total	44		83		40		48		63	
<u>Perry</u>										
Guilty	23	95.83%	48	96.00%	26	96.30%	30	100.00%	38	100.00%
Total	24		50		27		30		38	
<u>Pettis</u>										
Guilty	8	88.89%	14	93.33%	56	93.33%	137	76.54%	106	76.81%
Total	9		15		60		179		138	
<u>Phelps</u>										
Guilty	17	94.44%	20	90.91%	42	100.00%	97	95.10%	73	68.87%
Total	18		22		42		102		106	
<u>Pike</u>										
Guilty	77	90.59%	65	92.86%	69	95.83%	74	96.10%	80	97.56%
Total	85		70		72		77		82	
<u>Platte</u>										
Guilty	81	85.26%	50	76.92%	75	78.13%	89	82.41%	128	91.43%
Total	95		65		96		108		140	
<u>Polk</u>										
Guilty	54	75.00%	64	94.12%	147	89.63%	51	83.61%	149	88.69%
Total	72		68		164		61		168	
<u>Pulaski</u>										
Guilty	80	90.91%	106	92.98%	124	83.78%	86	78.18%	67	82.72%
Total	88		114		148		110		81	
<u>Putnam</u>										
Guilty	30	93.75%	25	83.33%	28	100.00%	30	85.71%	21	84.00%
Total	32		30		28		35		25	
<u>Ralls</u>										
Guilty	78	97.50%	49	87.50%	59	84.29%	81	93.10%	63	91.30%
Total	80		56		70		87		69	
<u>Randolph</u>										
Guilty	84	84.00%	55	94.83%	69	94.52%	42	91.30%	58	87.88%
Total	100		58		73		46		66	

	2004	Percentage	2005	Percentage	2006	Percentage	2007	Percentage	2008	Percentage
<u>Ray</u>										
Guilty	87	87.00%	31	91.18%	77	77.00%	34	97.14%	37	90.24%
Total	100		34		100		35		41	
<u>Reynolds</u>										
Guilty	44	78.57%	68	75.56%	44	78.57%	63	85.14%	64	91.43%
Total	56		90		56		74		70	
<u>Ripley</u>										
Guilty	84	93.33%	79	64.75%	91	80.53%	69	84.15%	98	72.59%
Total	90		122		113		82		135	
<u>Saline</u>										
Guilty	52	98.11%	45	95.74%	19	95.00%	40	93.02%	19	90.48%
Total	53		47		20		43		21	
<u>Schuyler</u>										
Guilty	33	100.00%	24	100.00%	17	100.00%	16	94.12%	22	100.00%
Total	33		24		17		17		22	
<u>Scotland</u>										
Guilty	27	87.10%	48	94.12%	33	100.00%	33	100.00%	30	88.24%
Total	31		51		33		33		34	
<u>Scott</u>										
Guilty	7	100.00%	32	91.43%	17	80.95%	31	91.18%	20	100.00%
Total	7		35		21		34		20	
<u>Shannon</u>										
Guilty	92	92.00%	118	93.65%	100	92.59%	83	83.00%	80	86.02%
Total	100		126		108		100		93	
<u>Shelby</u>										
Guilty	82	91.11%	34	91.89%	40	100.00%	47	92.16%	40	95.24%
Total	90		37		40		51		42	
<u>St. Charles</u>										
Guilty	64	96.97%	57	93.44%	85	93.41%	255	92.73%	160	91.43%
Total	66		61		91		275		175	
<u>St. Clair</u>										
Guilty	54	83.08%	48	96.00%	62	93.94%	60	92.31%	61	98.39%
Total	65		50		66		65		62	
<u>St. Francois</u>										
Guilty	42	85.71%	51	85.00%	31	79.49%	76	86.36%	103	94.50%
Total	49		60		39		88		109	
<u>St. Louis</u>										
Guilty	30	71.43%	65	89.04%	35	89.74%	72	74.23%	36	97.30%
Total	42		73		39		97		37	
<u>St. Louis City</u>										
Guilty	6	85.71%	9	56.25%	9	75.00%	37	77.08%	22	78.57%
Total	7		16		12		48		28	
<u>Ste. Genevieve</u>										
Guilty	110	95.65%	58	81.69%	17	89.47%	40	95.24%	18	100.00%
Total	115		71		19		42		18	

	2004	Percentage	2005	Percentage	2006	Percentage	2007	Percentage	2008	Percentage
<u>Stoddard</u>										
Guilty	73	100.00%	208	86.67%	114	89.06%	128	98.46%	134	91.16%
Total	73		240		128		130		147	
<u>Stone</u>										
Guilty	10	76.92%	127	92.70%	108	81.82%	133	85.26%	105	88.98%
Total	13		137		132		156		118	
<u>Sullivan</u>										
Guilty	31	96.88%	45	95.74%	32	94.12%	25	89.29%	33	91.67%
Total	32		47		34		28		36	
<u>Taney</u>										
Guilty	57	80.28%	178	87.68%	231	86.19%	120	76.43%	117	85.40%
Total	71		203		268		157		137	
<u>Texas</u>										
Guilty	56	87.50%	49	77.78%	65	75.58%	57	74.03%	73	79.35%
Total	64		63		86		77		92	
<u>Vernon</u>										
Guilty	59	93.65%	58	95.08%	20	100.00%	48	100.00%	74	94.87%
Total	63		61		20		48		78	
<u>Warren</u>										
Guilty	0		1	100.00%	9	100.00%	10	100.00%	16	100.00%
Total	0		1		9		10		16	
<u>Washington</u>										
Guilty	43	97.73%	82	98.80%	66	83.54%	69	85.19%	95	81.90%
Total	44		83		79		81		116	
<u>Wayne</u>										
Guilty	81	91.01%	150	81.08%	71	80.68%	81	77.88%	109	70.78%
Total	89		185		88		104		154	
<u>Webster</u>										
Guilty	14	73.68%	17	77.27%	9	90.00%	27	77.14%	4	50.00%
Total	19		22		10		35		8	
<u>Worth</u>										
Guilty	0		0		11	68.75%	3	100.00%	8	100.00%
Total	0		0		16		3		8	
<u>Wright</u>										
Guilty	37	90.24%	42	95.45%	27	100.00%	47	88.68%	33	97.06%
Total	41		44		27		53		34	
<u>State Total</u>										
Guilty	6,182	90.12%	7,279	89.38%	6,887	88.25%	8,318	87.10%	8,171	89.04%
Total	6,860		8,144		7,804		9,550		9,177	

APPENDIX B



MISSOURI DEPARTMENT OF CONSERVATION

Headquarters

2901 West Truman Boulevard, P.O. Box 180, Jefferson City, Missouri 65102-0180
Telephone: (573) 751-4115 ▲ Missouri Relay Center: 1-800-735-2966 (TTY)

JOHN D. HOSKINS, Director

December 3, 2008

Mr. Mickey Wilson
Director
Committee on Legislative Research – Oversight Division
Room 132, State Capitol
Jefferson City, MO 65101

Dear Mr. Wilson:

Following are the Missouri Department of Conservation's (MDC) responses to Oversight's report on MDC Real Estate Transactions and Enforcement Procedures:

Comment 1: MDC does not agree with Oversight's assumptions or interpretation of Article IV, Section 43 (a) of the Constitution.

However, if you were to interpret that only sales/use taxes could be used for PILT payments, segregating sales/use tax revenue from other sources of revenue would be necessary if the total PILT payments in any year approaches, equals, or exceeds the amount of revenue the Department receives from sales/use tax in that same year. Currently, annual sales tax revenues are approximately \$100,000,000, and PILT payments total approximately \$675,000, or 7/10 of 1% of the annual sales tax. Segregating the sales/use tax revenue at this time would result in unnecessary administrative costs to the Department.

Comment 2: MDC concurs.

Comment 3: MDC concurs.

Comment 4: Requiring the entry of voided citations into the arrest database would duplicate a control already in place, provide for additional work, require additional data storage space, and would serve no useful purpose.

COMMISSION

DON R. JOHNSON
Festus

CHIP McGEEHAN
Marshfield

LOWELL MOHLER
Jefferson City

BECKY L. PLATTNER
Grand Pass

Mr. Mickey Wilson
December 3, 2008
Page Two

Comment 5: Effective July 1, 2008, the original queries performed, which include cases for which a recommendation to suspend/revoke was not pursued because of timeliness issues, are retained.

Comment 6: All but one of the real estate transactions reviewed by Oversight for compliance with procedures occurred prior to the adoption of those procedures in late 2006. The Department would not have complied with procedures that had not yet been adopted. Also, a checklist as an aid to completing real estate transactions has already been established.

Comment 7: The retention of periodic reports of the Real Estate Log as a historical tool would serve no benefit to MDC's process. MDC currently maintains a monthly Land Offer Status Report as a historical record. The Real Estate Log was created and is intended to serve as a reference for open, pending transactions – it is not used for any other purpose. MDC has no need for an electronic list of all considered and declined land transactions. MDC retains the actual files on both declined and completed transactions, but knows of no use for an electronic listing of said transactions. If Oversight knows of some specific use for that information, other than simply "historical information", we would welcome such detail.

Thank you for the opportunity to respond to your recommendations.

Sincerely,


JOHN D. HOSKINS
DIRECTOR

